

**Statement of  
Chairman Henry J. Hyde  
Before the  
Committee on International Relations  
September 14, 2005**

**Markup of H. Res. 419**

The Committee now turns its attention to the last of today's three resolutions of inquiry. Mr. Holt of New Jersey introduced H. Res. 419, directing the Secretary of State to transmit documents from May 6, 2003 to July 31, 2003 relating to the disclosure of the identity and employment of Ms. Valerie Plame (PLAHM). If this sounds familiar to some of you, that is because we voted to report a similar resolution, H. RES. 499, adversely on February 25, 2004.

The reasons that led us to vote to report the earlier resolution adversely still hold true today, that is, a criminal investigation by a special prosecutor is ongoing into this matter, and this Committee should do nothing that might impede or prejudice this criminal investigation.

The Department of Justice opened a criminal investigation in September 2003 into whether the government officials who allegedly identified Valerie Plame to the press violated federal law that prohibits identifying covert agents, and it remains an ongoing investigation.

On October 3, 2003, the White House Counsel sent a memorandum to all White House employees to turn in copies of documents for the ongoing probe into who leaked the name of a CIA operative. The press reported that the investigation soon included the State and Defense Departments, as well as the White House and the CIA.

Press reports indicate that the FBI has interviewed more than three dozen Bush Administration officials, including senior White House officials. Reportedly, box loads of documents have been forwarded to the FBI investigation team, including White House phone logs and e-mails.

The Attorney General recused himself from the case in December 2003. Deputy Attorney General James Comey then appointed United States Attorney Patrick Fitzgerald to lead the investigation. Mr. Fitzgerald is a veteran prosecutor with experience in national security matters and, by all accounts, enjoys a stellar reputation.

According to press reports, Mr. Fitzgerald has more independence than required under Department of Justice regulations. For instance, he, unlike other U.S. Attorneys, does not have to seek approval from Justice Officials before issuing subpoenas or granting immunity.

Press reports indicate that a grand jury has been convened to hear testimony in this matter. As we all know, grand juries have sweeping authority that allows investigators to subpoena witnesses and documents, including the same documents requested in H. RES. 419.

By all reports, Mr. Fitzgerald is pursuing the investigation into the Valerie Plame matter aggressively and responsibly. We need to look no further than the jailing of *The New York Times* reporter Judy Miller to see just how aggressively Mr. Fitzgerald is pursuing the truth in this matter. Under the circumstances, this is a matter best left to the grand jury.

Of equal importance to this Committee is the action taken by the House Permanent Select Committee on Intelligence, the committee of primary jurisdiction over the subject matter of H. RES. 419. The Intelligence Committee, in a past bipartisan vote on the Valerie Plame matter, reported unfavorably without amendment on the resolution.

As a former Member of the Intelligence Committee, I am confident that the Committee remains committed to the enforcement of the laws and regulations that exist to protect the Nation's classified intelligence information, including the enforcement of the Intelligence Identities Protection Act of 1982.

Finally, I would like to mention that Mr. Fitzgerald is the U.S. Attorney for the Chicago region and has, in the recent past, indicted several Republicans, including the last Governor of the State of Illinois on 22 counts. I think it is safe to say he is not in the least bit moved by political consideration.

In light of all of the foregoing, it is my intention to have H. RES. 419 reported adversely.